

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his  
capacity as court-appointed Chapter 11  
Trustee for LLS America, LLC,

Plaintiff,

v.

267406 BC LTD, et al.,

Defendants.

NO: CV-12-484-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80296

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for Entry of Default and Judgment against Defendant Jauffrey Romani, and it appearing from the file and records of this Court in this cause that the default judgment (Bkcy. Dkt. No. 186) entered by the Bankruptcy Court should be deemed

1 proposed findings of fact and conclusions of law, and that entering final default  
2 judgment in conformity with the default judgment entered by the Bankruptcy Court  
3 is appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the  
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
6 Trustee for LLS America, LLC, shall have a judgment against Defendant Jauffrey  
7 Romani, as follows:

8 1. Monetary Judgment in the amount of \$18,333.26 USD, pursuant to 11  
9 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of \$18,333.26 USD made to the Defendant  
11 Jauffrey Romani within four years prior to the Petition Filing Date are hereby  
12 avoided and Plaintiff may take all necessary action to preserve the same, pursuant  
13 to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2)  
14 and RCW 19.40.071;

15 3. All said transfers to Defendant Jauffrey Romani are hereby set aside and  
16 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant  
17 Jauffrey Romani for the benefit of the estate of LLS America, pursuant to 11  
18 U.S.C. §§ 544, 550 and 551;

19 5. All proofs of claim of Defendant Jauffrey Romani which have been filed  
20 or brought or which may hereafter be filed or brought by, on behalf of, or for the

1 benefit of Defendants Jauffrey Romani or his affiliated entities, against the  
2 Debtor's estate, in this bankruptcy or related bankruptcy proceedings, are hereby  
3 disallowed and subordinated to the monetary judgment granted herein and  
4 Defendant Jauffrey Romani shall not be entitled to collect on his proof of claim  
5 (Claim No. 320-1) until the monetary judgment is satisfied by Defendant Jauffrey  
6 Romani in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);

7 5. A constructive trust is hereby established over the proceeds of all transfers  
8 in favor of the Trustee for the benefit of the estate of LLS America; and

9 6. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00  
10 USD, for a total judgment of \$18,583.26 USD, which shall bear interest equal to  
11 the weekly average of one-year constant maturity (nominal) treasury yield as  
12 published by the Federal Reserve System.

13 The District Court Clerk is directed to enter this Order, enter judgment as  
14 outlined above, and provide copies to counsel and to Judge Patricia C. Williams.

15 DATED this 1st day of November 2012.

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17  
18 s/ Rosanna Malouf Peterson  
19 ROSANNA MALOUF PETERSON  
20 Chief United States District Court Judge